

ADMINISTRATIVE REGULATIONS OF THE BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS

Regulation 1. The National Electrical Code.

1.1 The Board hereby adopts and incorporates herein the National Electrical Code, 1999 edition of the National Fire Protection Association, effective as of July 1, 1999.

1.2 The National Electrical Code, 1999, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.

1.3 In the event there are updates and new editions to the National Electrical Code, the Board shall, after notice and public hearing, adopt such changes and editions which it determines are necessary to insure the public health and safety.

1.4 The statewide standards shall guarantee a uniform minimum standard for the construction, installation, and maintenance of electrical facilities and for the performance of electrical work.

Regulation 2. Definitions.

2.1 The various classes of licenses shall be defined as follows:

a. "Master electrician" shall mean an individual with an unlimited license classification and who is authorized to plan, lay out, and supervise the installation, maintenance, and extension of electrical conductors and equipment.

b. "Journeyman electrician" shall mean an individual who is limited by license classification to install, maintain, and extend electrical conductors and equipment.

c. "Residential master electrician" shall mean an individual who is limited by license classification to performing electrical work for one and two family dwellings, including planning and supervising the installation, maintenance and extension of electrical facilities. A residential master electrician may perform electrical work on a commercial or other project under the direct supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.

d. "Residential journeyman electrician" shall mean an individual who is limited by license classification to install, maintain, alter, repair, maintain, or renovate electrical facilities for one and two family dwellings under the general supervision of a residential master electrician or a master electrician. A residential journeyman may perform electrical work on a commercial or other project under the direct supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.

e. "Air conditioning electrician" shall mean an individual who is limited by license classification to the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units.

f. "Industrial maintenance electrician" shall mean an individual who is limited by license classification to the repair, maintenance, alteration, and extension of electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities. For employees of industrial facilities, it is not necessary to possess this or any other class of license. See Ark. Code Ann. § 17-28-102(a)(2) and Regulation 3.1.

2.2 "Board" shall mean the Board of Electrical Examiners of the State of Arkansas.

2.3 "Director" shall mean the Director of the Arkansas Department of Labor.

2.4 "Electrical Apprentice" means any person whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a journeyman electrician or master electrician.

2.5 "Electrical work means:

a. As defined by Ark. Code Ann. §§ 17-28-101(6) and 20-31-102(6):

(1) Installations of electric conductors and equipment within or on public and private buildings or other structures, including recreational vehicles, and floating buildings, and other premises such as yards, carnivals, parking and other lots, and industrial substations;

(2) Installations of conductors that connect to the supply of electricity; and

(3) Installations of other outside conductors on the premises.

2.6 "HVACR" shall mean heating, ventilation, air conditioning and refrigeration.

2.7 "Manager" shall mean any employee:

a. whose primary duty consists of oversight of the technical and business functions of the electrical company in which he or she is employed; and

b. who customarily and regularly directs the work of one or more other employees therein; and

c. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and

d. who customarily and regularly exercises discretion and independent judgment; and

e. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees, will be given particular weight; and

f. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

2.8 "Superintendent" shall mean any employee:

a. whose primary duty consists of oversight of the electrical work performed by the electrical company in which he or she is employed; and

b. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and

c. who customarily and regularly directs the work of one or more other employees therein; and

d. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion, or any other change of status of other employees, will be given particular weight; and

- e. who customarily and regularly exercises discretion and independent judgment; and
- f. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

Regulation 3. Construction and exemptions.

3.1 The licensing requirements of Ark. Code Ann. § 17-28-101 *et seq.* shall not apply to the following:

- a. The construction, installation, maintenance, repair, or renovation by any public utility, as that term is defined by Ark. Code Ann. § 23-1-101(4)(A), by any rural electric association or cooperative, or by any municipally owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee, agent, contractor, or subcontractor of any such public utility, association, cooperative, or municipally owned utility;
- b. The construction, installation, maintenance, repair, or renovation by any industry of any electric conductors or equipment or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee of such industry;
- c. The construction, installation, maintenance, repair and renovation of telephone equipment, computer systems, or satellite systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes; including fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system;
- d. The construction, installation, maintenance, repair or renovation of any nonresidential farm building or structure;
- e. The construction and manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 *et seq.*; and
- f. The performance of electrical work on an individual's primary residence by that individual, except as otherwise may be required by state law, regulations, or local ordinance.

3.2 Any holder of a state-issued heating, ventilation, air conditioning and refrigeration or HVACR license may run line voltage power wiring, in compliance with the state electric code, from a disconnect box to an outdoor HVACR unit within a distance not to exceed ten (10) feet from any point of the HVACR equipment without an electrician's license.

3.3 Any person licensed by the Commission on Water Well Construction pursuant to the provisions of Ark. Code Ann. § 17-50-101 *et seq.* and subject to that Commission regulations and the National Electric Code, may run power and control wiring from an existing disconnect box to water well equipment without an electrician's license. Alteration of the existing electrical service shall require an electrician's license.

3.4 An employee of a hospital may perform minor repairs or make minor alterations to existing electrical facilities during the normal performance of his duties with a hospital licensed by the Department of Health without an electrician's license.

3.5 Nothing in these regulations shall be construed to require an electrician's license in order to test, install, repair, maintain or alter machinery and equipment, or the supervision of such activities, by the manufacturer(s) or vendor(s) or such machinery and equipment or technicians providing services with respect to such machinery and equipment.

3.6 Nothing in these regulations shall be construed to require an electrician's license in order to replace an existing wall switch or receptacle in isolated incidences.

3.7 Nothing in these regulations shall be construed to require an electrician's license in order to perform manual labor, such as pick up, delivery and lay out of materials and equipment, or to generally maintain the job site in a clean and workmanlike condition. Manual labor does not include actual use of any tools of the electrical trade.

Regulation 4. Operation of the Board of Electrical Examiners. of the State of Arkansas

4.1The board shall, after public hearing, promulgate such administrative regulations, including definitions of terms, as it deems appropriate to carry out the purposes of Ark. Code Ann. §§ 17-28-101 *et seq.* and 20-31-101 *et seq.* or necessary to prevent the circumvention or evasion thereof.

4.2The board shall annually select one of its members to serve as Chairman of the board and one other member to act as Vice Chairman.

4.3The director shall act as Secretary of the board and shall keep the books and records of the board.

4.4Meetings of the board shall not be held on a regular basis, but will take place at such times and places as the chairman shall specify.

4.5The director shall furnish the board with the necessary facilities for the exercise of its rights and duties.

4.6Five members of the board shall constitute a quorum and the majority of those present in a meeting shall be necessary for the transaction of official business.

4.7The board shall enforce the provisions of Ark. Code Ann. §§ 17-28-101*et seq.*, and may issue, renew, refuse to renew, suspend and revoke licenses provided for therein.

4.8The board shall have the power to establish qualifications for applicants.

4.9The board hereby establishes a Screening Committee consisting of four (4) board members appointed by the Chairman. The Screening Committee shall review and take action on all applications for licensure, subject to appeal to the full board. The Screening Committee may refer any application to the board without prior action at its discretion.

Regulation 5. Examinations.

5.1The board shall make provisions for examinations on the following classes of licenses: master electricians, journeyman electricians, industrial maintenance electricians, residential master electrician, residential journeyman electrician, and air conditioning electrician to be given at least every six (6) months.

5.2The examination of each class of license shall be of length and type to ensure proficiency in the tested area. The exact content of any examination shall be within the discretion of the board. Said examinations shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service and shall be of uniform grade throughout the state.

5.3All applications for examination of any class must be received by the board prior to the date of the scheduled meeting of the board or its designated committee. After review of the applications, the board will issue a list of approved applicants eligible to take the examination. Upon receipt of notification of approval to take the examination, each applicant must submit the appropriate examination fee in order to be placed on the examination list.

5.4Anyone who is not on the list of approved applicants shall not be entitled to take an examination.

5.5Any applicant who shall fail to pass the examination shall be permitted to take the next scheduled examination upon payment of the required fees.

5.6The board may recognize the examination scores of individuals who have taken a licensing examination administered in a state other than Arkansas in lieu of requiring said individual to take an examination of the same class as authorized by the board and administered within the State of Arkansas, provided the following provisions are met:

a. the examination administered in the sister state is the same examination administered by the board pursuant to contract with a professional testing service; and

- b. the applicant has made application for an Arkansas license of the same class with the board; and
- c. the board has determined that the applicant has met the minimum requirements to qualify according to Regulations of the Board of Electrical Examiners; and
- d. the applicant has paid the required examination fee; and
- e. the applicant has submitted proof from the sister state's licensing authority or from the appropriate testing service that the applicant has passed the examination as required by the board; and
- f. the applicant has made application for the Arkansas license within one (1) year of passing the required examination or has maintained the electrician's license obtained as a result of passing the required examination since the original license was issued; or
- g. the applicant is certified by the National Board of Electrical Examiners and has paid the required fees.

5.7 Persons applying for a license shall pay the following examination fees as instructed by the director:

a. Master Electrician	\$56.00
b. Journeyman Electrician	\$56.00
c. Industrial Maintenance Electrician	\$25.00
d. Residential Master Electrician	\$56.00
e. Residential Journeyman Electrician	\$56.00
f. Air Conditioning Electrician	\$56.00

Regulation 6. Qualification for Examination.

6.1 An applicant for a master electrician's license shall have:

- a. a degree in electrical engineering plus one (1) year of experience; or
- b. six (6) years experience in the construction industry, both residential and commercial, including two (2) years experience as a licensed journeyman electrician; or
- c. any combination of training and experience as the board may approve, such as formal electrical apprenticeship programs specifically approved by the board, on-the-job training specifically approved by the board, or a combination of training and construction experience that is determined by the board to be equivalent to that as specified in paragraph 6.1(a or b) above.

6.2 An applicant for a journeyman electrician's license shall have:

- a. four (4) years experience working for an electrical contractor; or
- b. any combination of training and experience as the board may approve, such as formal electrical apprenticeship programs specifically approved by the board, on-the-job training specifically approved by the board, or a combination of training and construction experience that is determined by the board to be equivalent to that as specified in paragraph 6.2(a) above.

6.3 An applicant for an industrial maintenance electrician's license shall have:

a. four (4) years experience under the supervision of an engineer, master electrician, journeyman electrician or industrial maintenance electrician in the maintenance of electrical conductors and equipment; or

b. any combination of training and experience as the board may approve, such as formal apprenticeship programs approved by the board, on-the-job training specifically approved by the board, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the board, or a combination of training and electrical maintenance experience that is determined by the board to be equivalent to that as specified in paragraph 6.3(a) above.

6.4An applicant for a residential master electrician's license shall have:

a. three (3) years experience in the wiring of one (1) or two (2) family dwellings; or

b. any combination of training and experience as the board may approve as being equivalent to that as specified in paragraph 6.4 a. above.

6.5An applicant for a residential journeyman license shall have:

a. two (2) years experience in the wiring of one (1) or two (2) family dwellings; or

b. Any combination of training and experience as the board may approve as being equivalent to that as specified in paragraph 6.5 a. above.

6.6An applicant for an air conditioning electrician's license shall have:

a. two (2) years experience in wiring HVACR equipment; or

b. any combination of experience and training as the board may approve as being equivalent to that as specified in paragraph 6.6 a. above.

c. The experience required in paragraph 6.6 a. may be demonstrated by having held for two years:

(1) a HVACR electrician's license issued by an Arkansas municipality, or

(2) a HVACR Class A or Class B license issued by the state HVACR Licensing Board.

Regulation 7. Licenses.

7.1Licenses shall expire on the date indicated on the license. Licenses shall expire on the last day of the month, one year following the date of issue. Such licenses may be renewed as provided herein. All licenses originally issued prior to the adoption of this rule shall continue to expire as indicated on the license.

7.2Licenses may be renewed for one (1), two (2) or three (3) years upon a payment of fifty dollars (\$50.00) per year for a master electrician's license; fifty dollars (\$50.00) per year for a residential master electrician's license; twenty-five dollars (\$25.00) per year for a journeyman electrician's license; twenty-five dollars (\$25.00) per year for a residential journeyman electrician's license; twenty-five (\$25.00) per year for an air conditioning electrician's license; and twenty-five dollars (\$25.00) per year for an industrial maintenance electrician's license.

7.3 A license may be renewed within six (6) months of the expiration date by paying the renewal fees stated in Regulation 7.2.

7.4A license may be renewed after six (6) months from the expiration date, by paying the renewal fee stated in Regulation 7.2 plus a penalty of ten dollars (\$10.00) for journeyman electrician, residential journeyman electrician, air conditioning electrician, or industrial maintenance electrician, and twenty dollars (\$20.00) for master electrician or residential master electrician.

7.5 If any license is not renewed within a year after the expiration of such license, the licensee shall be required to take another examination as authorized by the board.

7.6 No person, firm, or corporation licensed under the provisions of Ark. Code Ann. § 17-28-101 *et seq.* shall alter, transfer, lend or rent his, her or its license.

7.7 If any applicant passing any class of examination does not obtain an initial license within one (1) year following the last day of the month in which the examination was taken, the applicant shall be required to take another examination as authorized by the Board before a license is issued.

7.8 An applicant for an electrical contractor's license shall submit to the board the following:

- a. an application on a form approved by the board; and
- b. proof that the applicant is a licensed master electrician or employs a licensed master electrician; and
- c. if the applicant is not a master electrician, a statement from the master electrician, under oath, disclosing the master electrician's affiliation with any other electrical contractor and verifying that the master electrician is employed as the superintendent or manager of the applicant contractor.

7.9 Apprentices.

- a. An applicant for registration as an electrical apprentice shall submit the following:

- (1) an application on a form approved by the board;

- (2) a registration fee of ten dollars (\$10.00);

- (3) satisfactory proof that the applicant is enrolled in a school or training course for electrical apprentices certified by the U.S. Department of Labor, Bureau of Apprenticeship and Training (BAT).

- b. Apprentice registration certificates shall be valid for one (1) year. They shall expire on the last day of the month, one (1) year from the date of issue.

- c. Apprentice registration certification may be renewed by payment of a ten dollar (\$10.00) renewal fee and submission of satisfactory proof of current enrollment in or completion of a BAT-approved training program.

- d. An individual may continue to register and work as an electrical apprentice upon

- e. A certificate of registration may be revoked by the board for cause. This includes, but is not limited to the following:

- (1) Expulsion from or dropping from the BAT-approved training program; or

- (2) Performing electrical work which is not performed under the direct supervision of a licensed master or journeyman electrician.

- f. No journeyman or master electrician shall employ or supervise an electrical apprentice except at a ratio of no more than one (1) apprentice to one (1) journeyman or one (1) master electrician at any one time, except as another ratio may be approved by BAT.

- g. No electrical contractor shall employ an electrical apprentice except to work under the direct supervision of a journeyman or a master electrician with a ratio of no more than one (1) apprentice to one (1) journeyman or one (1) master electrician at any one time, except as another ratio may be approved by BAT.

h. By memorandum of understanding, the Workforce Education Apprenticeship Office shall oversee related classroom study of apprentices.

7.10 Temporary licenses.

a. The board shall issue a temporary license as a master electrician or journeyman electrician for a period of six (6) months, upon submission by the applicant of the following:

(1) A temporary license fee in the amount of \$50 for a master electrician and \$25 for a journeyman electrician;

(2) A completed application on a form provided by the board; and

(3) Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications established in Regulation 6.1 or 6.2.

b. A temporary license may be renewed one (1) time only for industrial projects upon submission by the applicant of the items listed in Regulation 7.10 a. above.

Regulation 8. Revocation, Suspension and Denial of Licenses.

8.1 The board shall have the power to revoke or suspend any license or registration for cause. This includes, but is not limited to, the performance of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the board.

8.2 Any party who is wronged or damaged by an individual or company licensed by the board in the performance of electrical work on his, her, or its property may make written notice of complaint to the board. Such complaint shall detail the actions of the license holder(s) causing damage to the complainant.

8.3 Upon receipt of a written complaint made against any party holding a license issued by the board, the board staff may investigate said complaint to ascertain information relating to the complaint. The board may on its own motion cause a staff investigation of any licensee's compliance with the provisions of the act or the regulations of the board.

8.4 After investigation, the board shall determine if the allegations against any licensee are sufficient to warrant a revocation/suspension hearing.

a. Notice shall be mailed to the licensee by certified mail to the address provided by the licensee at least ten (10) days prior to the board meeting to determine whether the allegations are sufficient to warrant a hearing. Notice shall contain a statement of the allegations and conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. 25-15-201 et seq.

b. The licensee may appear before the board or submit written information to show cause why a revocation or suspension hearing should not be held.

8.5 Any licensee shall be provided at least twenty (20) days notice of any revocation or suspension hearing. Such notice may be provided by certified mail to the address provided to the board by the licensee.

8.6 If the board finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending the immediate initiation of formal license revocation processing under this regulation.

8.7 Any journeyman electrician, residential journeyman electrician, master electrician, residential master electrician, air conditioning electrician, or industrial maintenance electrician whose license has been revoked may make application for a new license after such time as the board may require on an application form furnished by the board. Said application shall contain a statement of intent to comply with all pertinent laws, ordinances, rules, and regulations. The

board may issue a new license after the applicant has passed the prescribed examination, with fees for such examination being the same as for an initial examination.

8.8 Any applicant who is denied a license or who is approved for examination for a class of license lower than the class of license sought, shall be notified of such action by mail at the address provided by the applicant. The applicant shall have twenty (20) days from the date of the notice to appeal the denial, or the approval for examination for a lower class license, to the full board. The applicant shall be provided at least twenty (20) days notice of the hearing before the full board. Such notice will be provided by regular mail to the address on the application.

Regulation 9. Reciprocity.

9.1 The board may issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license, provided an agreement has been reached with that state to recognize the electrical licenses held by Arkansas residents.

Regulation 10. Non-licensed Electricians.

10.1 The board staff shall, on behalf of the director, investigate complaints and allegations against any person or corporation not licensed by the board for violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto.

10.2 After investigation, the director shall make an initial determination of whether there has occurred a violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto.

10.3 The director shall notify the person(s) or corporation(s) of his determination by certified mail to the last known address. This notice shall conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. § 25-15-201 *et seq.* and shall specifically contain the following:

- a. a statement of the allegations against the person or corporation;
- b. a statement that the person or corporation is entitled to a hearing before the board on the allegations, provided a written request for a hearing is received by the board within twenty (20) days of receipt of the notice;
- c. a statement that the person or corporation's failure to make a written denial of the allegations within twenty (20) days of receipt of the notice or the failure to appear at any scheduled hearing will result in the director seeking injunctive relief and/or filing criminal charges.

10.4 Notice of any scheduled hearing shall be mailed at least twenty (20) days prior to the hearing date.

10.5 If the director finds that the public health, safety, or welfare imperatively requires emergency action, the director may petition a court of competent jurisdiction to enjoin or restrain any person or corporation from violating the provisions of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto, without providing notice and the opportunity for hearing.

Regulation 11. Restricted Lifetime Master Electrician's License.

11.1 Qualifications. To qualify for a restricted lifetime master electrician license, an applicant shall:

- a. have been a licensed master electrician licensed by the Board of Electrical Examiners for not less than twelve (12) years;
- b. be at least sixty-five (65) years of age; and

c. have a current license as a master electrician issued by the Board of Electrical Examiners at the time of application for a restricted lifetime master electrician license.

11.2 Application.

a. Application for a restricted lifetime master electrician license shall be on a form approved by the board.

b. The applicant for a restricted lifetime master electrician license shall submit with the application satisfactory proof of age, which may include one of the following:

1. a birth certificate;

2. a passport or certificate of arrival in the United States;

3. a state-issued driver's license or identification card;

4. any document issued by the U.S. Military which includes a photograph or information including name, sex, date of birth, and other identifying information; or

5. any other document of similar reliability.

11.3 Restrictions. A person holding a restricted lifetime master electrician license is authorized to perform any work authorized for a master electrician. Such license is non-transferable.

11.4 Fees. The fee for issuance of a Restricted Lifetime Master Electrician license shall be fifty dollars (\$50.00).

11.5 Term of license. The restricted lifetime master electrician license shall be valid for the lifetime of the holder of such license, unless the license is suspended or revoked by the Board for cause.

11.6 Revocation or suspension.

b. Notice of any complaint, proceeding, or hearing shall be made to the holder of a restricted lifetime master electrician license to the last address on file with the board.

c. Revocation or suspension proceedings shall be conducted in the same manner as provided for other licensed electricians by regulation of the board. See Regulation 7. Revocation and Suspension of Licenses.

11.7 Change of address. The holder of a restricted lifetime master electrician license shall notify the board of any change of address following issuance of the license.

Regulation 12. Extension of time.

12.1 Notwithstanding any provision to the contrary, an applicant for a license pursuant to the grandfather provision of Ark. Code Ann. § 17-28-310(Supp. 1997), who submits an application prior to July 1, 1998, shall be deemed in compliance with the mandatory licensing requirement of Ark. Code Ann. § 17-28-310 until the board takes final administrative action on the application, or until June 30, 1999, whichever occurs first.

12.2 The effective date of this regulation shall be June 1, 1999.

Regulation 13. Grandfather appeals.

Notwithstanding any provision in these regulations to the contrary, any applicant who applied for a license prior to July 1, 1998 pursuant to the provisions of Ark. Code Ann. § 17-28-310 may appeal to the full board 1) any denial of license; 2) any approval of license for a class lower than the class of license sought by the applicant; or 3) any conditional approval of license, provided the board receives a written request for an appeal within the longest of following time frames:

- a. sixty (60) days from the effective date of these regulations; or
- b. sixty (60) days from the date of notice of the denial, conditional approval, or approval for a lower class of license.

Regulation 14. Effective Date and Repealer.

14.1 Effective September 1, 1999 all previous regulations promulgated by the board are hereby repealed.

14.2 The effective date of these regulations is September 1, 1999.